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9	BEFORE THE DEPARTMENT OF CONSUMER AFFAIRS BUREAU OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS STATE OF CALIFORNIA	
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12	In the Matter of the Accusation Against:	Case No. VN-2006-1359
13	SCOTT CHRISTOPHER BRADY	ACCHICATION
14	27955 Grand Avenue Sun City, California 92585	ACCUSATION
15	Vocational Nurse License No. VN 194529	
16	Respondent.	
17		
18	Complainant alleges:	
19	PARTIES	
20	1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this	
21	Accusation solely in her official capacity as the Executive Officer of the Bureau of Vocational	
22	Nursing and Psychiatric Technicians ("Bureau"), Department of Consumer Affairs.	
23	2. On or about March 19, 2001, the Bureau's predecessor, the Board of	
24	Vocational Nursing and Psychiatric Technicians, issued Vocational Nurse License Number VN	
25	194529 to Scott Christopher Brady ("Respondent.") Respondent's vocational nurse license was	
26	in full force and effect at all times relevant to the charges brought herein and will expire on	
27	July 31, 2010, unless renewed.	
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STATUTORY PROVISIONS

- 3. Business and Professions Code ("Code") section 2875 provides, in pertinent part, that the Board may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with Code section 2875) of the Vocational Nursing Practice Act.
- 4. Code section 118, subdivision (b), provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Pursuant to Code section 2892.1, the Board may renew an expired license at any time within four years after the expiration.
 - 5. Code section 2878 states, in pertinent part:

The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code , § 2840, et seq.)] for any of the following:

- (a) Unprofessional conduct, which includes, but is not limited to, the following:
- (4) The use of excessive force upon or the mistreatment or abuse of any patient. For the purposes of this paragraph, 'excessive force' means force clearly in excess of that which would normally be applied in similar clinical circumstances . . .

(Cost Recovery)

6. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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CAUSE FOR DISCIPLINE

(Excessive Force, Mistreatment, or Abuse of a Patient)

7. Respondent is subject to disciplinary action pursuant to Code section 2878, subdivision (a)(4), on the grounds of unprofessional conduct, in that in and between 2004 and 2007, while employed as a home health vocational nurse for Maxim Healthcare Services, Temecula, California, Respondent used excessive force upon or mistreated or abused Bob H., a 20 year old quadriplegic who required total patient care (ventilator maintenance, breathing treatments, suctioning, and G-tube care), as follows: Respondent pulled the patient's hair on a number of occasions when Respondent became irritated, shook the patient's head back and forth, and pushed or moved the patient's head in a rough manner.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians issue a decision:

- Revoking or suspending Vocational Nurse License Number VN 194529, issued to Scott Christopher Brady;
- 2. Ordering Scott Christopher Brady to pay the Board of Vocational Nursing and Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
- 3. Taking such other and further action as deemed necessary and proper.

 DATED: August 21,2008

TERESA BELLO-JONES, J.D., M.S.N., R.N.

Executive Officer

Board of Vocational Nursing and Psychiatric Technicians

Department of Consumer Affairs

State of California

Complainant